An Incomplete History of Bootlegs (1440–2023)

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45

Because of bootleggings existence underground and resistance to any clear definition, it remains impossible to compile anything close to a comprehensive chronology of it. What follows then, are notable milestones I have encountered in my research and in conversations with the people in this publication. Included as well are key moments from related gestures such as "appropriation," "copying," "pirating," "sampling," and "remixing," further embracing the blurry borders that may (or may not) separate these ideas. Additionally, legislation related to U.S. and European copyright law are woven into the text to create a framework of the oppositional structures a majority of contributors in this book are up against. In giving a history of bootlegging, it is my hope that readers will gain a foundational understanding of the act, which is challenged and expanded upon by the interviews in the latter part of this book.

Fig. 1

c.1440: The German goldsmith Johannes Gutenberg invents the printing press, allowing for the production of books and the spread of information on a mass scale. With printing out of the hands of the clergy comes the possibility for dissidents to produce politically subversive content as well as "bootlegs"—copies of existing works re-typeset, printed, and distributed illegally. (Fig. 1)

1603: William Shakespeare's first quarto of Hamlet is published. This play, along with other early transcribed Shakespeare performances, would later be collected into one edition known together as the Bad Quarto. These unauthorized and error-ridden "bootlegs" were compiled from audience transcriptions of the playwright's live performances. Despite the inaccuracies, these played a crucial role in preserving Shakespeare's legacy.

1710: The British Parliament creates the first copyright law known as The Statute of Anne. The regulation gave publishers 14 years of legal protection for works made after 1709, and 21 years of protection for pre-existing works.

1790: The first United States Congress creates The Copyright Act of 1790, which offers authors and proprietors exclusive rights to print and publish works for a 14 year period.

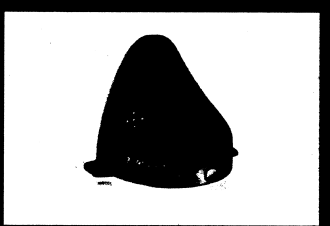
1886: The Berne Convention creates standard copyright rules across all major European countries. Additionally, the Convention declares a work as having copyright status from the moment of its creation, rather than needing it to be published or registered to ensure protection.

1901: Lionel Mapleson, the librarian at New York Metropolitan Opera House, creates unauthorized live tapings of performances while working at the venue. Despite their poor quality, these tapes, known as the Mapleson Cylinders, are praised for preserving an era of works that would have otherwise been lost to history. (Fig. 2)

Fig. 2

1909: The U.S. passes the Copyright Act of 1909, which extends the period of copyright protection from 14 years to 28 years, with a possible 28 year renewal. In addition, it approves the use of a symbol consisting of a "c" in a circle (©) plus a year, to mark copyright protection.

Fig. 3



1917: French artist Marcel Duchamp enters a mass-produced urinal titled *Fountain* into a landmark exhibition at the Society of Independent Artists in New York. The piece sparked outrage at the society and, after a vote, was never shown. The artwork, which Duchamp referred to as a "readymade," is considered one of the first pieces in the genre of appropriation art. (Fig. 3)

1920: Prohibition in the United States becomes a nationwide law restricting the sale of alcohol. It was at this time that the word "bootleg" was coined to refer

to the smuggling of illegal bottles of alcohol in the leg of one's boot. Those who took part in creating and distributing this moonshine were deemed "bootleggers." (Fig 4)

Fig. 4

c. 1930: In the 1930s Agloe, NY appears on General Drafting Co. maps as a copyright trap (also known as a fictitious entry). Agloe is an example of a phantom settlement, or paper town—made-up locations on maps that are used to catch plagiarism. If a new map contained the invented location, then it was clear it had been copied. Twenty years later the Agloe General Store opened, taking its name from the fictional town, creating a strange twist where the imaginary location now existed in reality. Today the general store has closed and Agloe has all but disappeared from maps.

1933: Prohibition is repealed in the U.S. with the passage of the Twenty First Amendment.

1948: The French composer Pierre Schaeffer composites bits and pieces of preexisting recorded material, creating the genre known as musique concrète. These avant-garde recordings are widely considered to be one of the first instances of what we would today consider sampling. (Fig. 5)

Fig. 5

1952: The Recording Industry Association of America (RIAA) is formed to combat the burgeoning music pirating industry whose culprits include major mafia members.

Fig. 6

1954: American performer Carl "Cheesie" Nelson, known as the first Elvis impersonator, gains a local following from singing "That's All Right, Mama" and "Blue Moon of Kentucky" on WLAC radio. The covers attract the attention of Elvis himself, and the two perform together later that year. (Fig. 6)

Fig. 7

1968: American artist Elaine Sturtevant, known for replicating existing works of art, produces a version of Andy Warhol's silkscreen flower paintings. The works were created using screens provided by Warhol himself. In an interview with Warhol, when asked how he creates his works, he responded, "I don't know. Ask Elaine." (Fig. 7)

1969: Bob Dylan's *Great White Wonder*, widely considered to be the first rock bootleg, is released by the newly formed underground record label Trademark of Quality. (Fig. 8)

Fig. 8

1971: The South African composer John Kongos releases the track "He's Gonna Step on You Again," which is cited in the Guinness Book of World Records as the first commercially available song to contain a sample—in this case, a tape loop of African drumming. This claim is often disputed, citing the track "Burundi Black" by Mike Steiphensen (also released in 1971) as the first use of a sample.

1973: DJ Kool Herc performs "Merry-Go-Round" at a Bronx house party, where he extends a drum break by playing the same record back-to-back on two turntables. This performance is widely considered to be the first remix.

1974: Post-It Notes are invented by 3M employee Art Fry, using a "low-tack" adhesive created by co-worker Dr. Spencer Silver. The product was created in accordance with the company's "permitted bootlegging" policy which allows staff to use 15% of their time to work on their own projects. This idea would later be implemented at Google, where Gmail was conceived on "bootlegged" time.

1976: The U.S. Copyright Act of 1976 declares a work as copyrighted from the moment it is created. Previously, authors would need to publish or register works to acquire protected status. This adjustment brought U.S. copyright law closer in line to the Berne Convention of 1886. Additionally the law created the doctrine of "fair use" which establishes a set of conditions where permission is not needed from the copyright holder.

1976: American computer engineer Li-Chen Wang, responsible for the Palo Alto Tiny BASIC programming language, creates the idea of "copyleft." In the programming language's distribution papers, Wang writes "COPYLEFT ALL WRONGS RESERVED." The idea becomes a foundational principle of future open-source programming, ensuring that material under copyleft status can be edited and redistributed freely as long as new versions of material circulate as copyleft content.

1980s: The American artist Richard Prince begins to exhibit his *Cowboy* series where he rephotographs ads from Marlboro cigarettes featuring cowboys riding through the desert. When asked about his intention, Prince stated, "I wanted to re-present the closest thing to the real thing." (Fig. 9)

Fig. 9

1981: American photographer Sherrie Levine stages her landmark show 'After Walker Evans' at the gallery Metro Pictures, New York. The works are photographs of depression-era photographs taken by Walker Evans. By simply rephotographing the images, Levine makes a powerful statement about "'authenticity,' 'the genius,' 'the masterpiece,' and 'the hand.'" (Fig. 10)

Fig. 10

Fig. 11

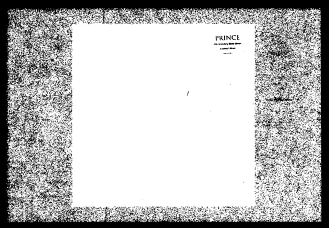
1982: Dapper Dan, considered by many to be the father of bootleg fashion, opens his Harlem boutique.

The store becomes popular for its signature "knock-up" items that use high-end logos on garments designed for the Black community. (Fig. 11)

Fig. 12

1984: The Grateful Dead play their first show with a designated "tapers' section" inviting bootleggers to record their Berkeley Community Theater set from directly behind the sound booth. The iconic "tapers' section," and resulting recordings, helped to create and connect the band's devoted fanbase. The tapes, along with other bootleg merchandise, were often sold outside of Grateful Dead concerts in makeshift marketplaces known as "Shakedown Street." (Fig 12)

Fig. 13



1987: Prince cancels the release of his new album and demands Warner Bros. Records to destroy all copies. By the time of cancellation, advanced radio promos have already been distributed, and are used as source

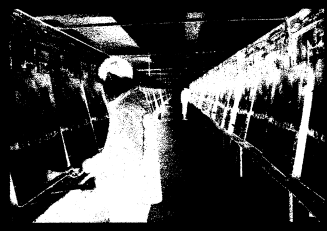
files for widely circulated bootleg versions. The record, dubbed *The Black Album* (due to its plain black cover), is often considered the best selling bootleg of all time. (Fig. 13)

Fig. 14

1988: Dapper Dan appears on the hit television show *Yo! MTV Raps* alongside Fab 5 Freddy and Eric B. Later that year, rappers Eric B & Rakim release their hit album *Follow The Leader*. On the cover, the duo wear custom outfits designed by Dapper Dan, bringing further attention to his work. (Fig. 14)

1988: The United States establishes the Berne Convention Implementation Act which more closely aligns U.S. Copyright Law with the tenants of the Berne Convention.

Fig. 15



1989: The Chinese painter Huang Jiang, known for his copies of masterworks, creates the renowned art

replica industry of Dafen Village. Jiang, along with a group of 20 trained artists, moved to the Shenzhen neighborhood and produced nearly a dozen paintings a day. After sending a painting to Walmart to gauge sales interest, the megastore placed an order for 50,000 copies, which needed to be fulfilled in a month and a half. (Fig. 15)

1989: The animated television show *The Simpsons* premieres on FOX. The wild success of the series is coupled with an inundation of merchandise, both official and unauthorized. Bootleggers focused their attention on one character, the charmingly abrasive adolescent Bart. Fan knockoffs transformed Bart in a variety of ways, from a gym rat to a war hero. One specific niche that gained traction was "Black Bart." Ernest White, a call-in radio show host that often spoke about the character, said, "The presence of the Black Bart T-shirt says there is an association with the underdog, a need to fight the establishment." (Fig. 16)

Fig. 16

1992: Dapper Dan is forced to shut down his boutique after losing a trademark infringement case to the luxury brand Fendi.

1996: The *Seinfeld* episode "The Little Kicks" premieres, featuring a plot line with Jerry and Kram-

er befriending a video bootlegger. Jerry eventually realizes his talent for creating pirate films, and orchestrates a scheme to create the best bootleg of all time. (Fig. 17)

Fig. 17

1998: The U.S. Congress passes The Digital Millennium Copyright Act (DMCA) which brings copyright law up to speed with the development of the internet. The law seeks to navigate the relationship between service providers and users in copyright infringement cases, allows for greater protections online for copyrighted works, and makes it unlawful to remove pertinent copyright information from online sources.

1999: Napster, a peer-to-peer file sharing application, is launched, allowing people to illegally download music for free from their home computers.

2001: The Dutch design studio Experimental Jetset creates the iconic John & Paul & Ringo & George T-shirt for the fashion label 2K/Gingham. The "&&&" format becomes bootlegged, remade, and parodied countless times. (p. 68)

2003: The Pirate Bay, an online peer-to-peer file sharing site, is launched. On The Pirate Bay, users had access to a wide variety of media that could be

downloaded and uploaded for free, sparking controversy around the legality of file sharing and becoming a major voice in the anti-copyright movement. In 2009, the founders of the site were found guilty of copyright infringement and were sentenced to jail time and a fine. In many countries, Internet Service Providers have been ordered to block access to the site including China, France, Germany, and the UK.

2005: Art dealer Mike Weiss calls the police to remove New York-based artist Eric Doeringer from W. 24th Street in Manhattan, where he had been selling bootleg artworks since 2001. Weiss stated that Doeringer's stand is "bad for his business." (p. 356)

2010: Bootleg phones made in China, known as "Shanzhai phones," account for nearly twenty percent of the global market (most are found in China or other developing countries). The spread of these phones is demonstrative of a larger integration and acceptance of Shanzhai products into daily life.

2011: Designer Mark Owens and curator Alex Klein collaborate on a bootleg Ulm Stool for an exhibition at the Los Angeles gallery LAXART. The piece uses a Memphis Bacterio pattern laminate designed by Ettore Sottsass to cover Max Bill's iconic modernist piece of furniture. (p. 384)

2012: Artist/designer/publisher Shannon Michael Cane hosts the first 'Bootleg T-Shirt Show' at Printed Matter. The show exhibited and sold bootleg shirts from artists such as Peter Sutherland, Matt Connors, Benjamin Critton, Mungo Thomson, Chris Castillo, Shannon Michael Cane, Eliza Koch, and Marc Hun-

dley. Subsequent versions of the show would be held in 2015 and in 2017. (p. 102)

2012: Paris-based designer Olivier Lebrun publishes *A Pocket Companion to Books from The Simpsons* with Rollo Press. The book contains 174 unauthorized stills of books featured in *The Simpsons*. The book immediately sells out and is reprinted four times. (p. 318)

2013: Clara Balaguer, Czar Kristoff, Kristian Henson, and Dante Carlos form Hardworking Goodlooking, a publishing "houz" often making work in and about the Philippines. The studio develops a unique research interest and visual language on the complexities of cultural mimicry. (p. 240)

2013: Virgil Abloh creates the brand Off-White (originally called PYREX VISION in 2012) which garnered popularity for pieces reliant on appropriation, reference, and readymades. The logo for the company is taken from the Glasgow Airport logo created by the British designer Margaret Calvert (Fig. 18).

Fig. 18

2013: The Canadian rapper Drake releases *Nothing Was The Same*. The record becomes the most illegally downloaded album in history, having been pirated over 10 million times. (Fig. 19)

Fig. 19

2014: Georgian designers Demna and Durum Gvasalia begin the brand VETEMENTS. In 2016 the brand gains attention for their bootleg of a DHL uniform T-shirt. The brothers continue to build a reputation for their unorthodox approach to fashion, including the memorable "Official Fake" garage sale in which VETEMENTS sold official versions of their own knockoffs. In 2019, Demna left VETEMENTS and the line is now solely run by Durum. (Fig. 20)

Fig. 20

2015: New York-based designer Kevin McCaughey launches Boot Boyz Biz, a project producing bootleg merchandise from a variety of subcultures. The brand's mission statement on their website reads that bootlegging serves "as a model for association, for reflecting on histories and ideas, for capturing essence to organize a collective memory that guides our future." (p. 198)

2015: Demna Gvasalia becomes the creative director of Balenciaga. Under his leadership, the brand becomes a pioneering force in the industry, embracing the idea of "fashion as a mirror for what is going on around us." One particularly notable "bootleg" moment for the brand is a 2017 collection featuring a logo resembling the Bernie Sanders campaign wordmark. (Fig. 21)

Fig. 21

2015: Berlin-based artist Jonathan Monk, who often works in the realm of appropriation, posts on Instagram a restaurant receipt featuring an illustration of the artist Alighiero Boetti. Monk sells the receipt for the price of the dinner, creating the first work in his *Restaurant Drawing* Series. (p. 226)

2015: New York-based artists Ming Lin and Alexandra Tatarsky begin Shanzhai Lyric, an archive that collects and reframes awkward slogans from bootleg T-shirts into an ongoing poem. (p. 118)

2016: Minneapolis-based design studio OOIEE lead by Matt Olson launches their exhibition 'No Separation' at the Aspen Art Museum. In the show pieces on display in the galleries are covered by a textile printed with a picture of the sky from above the institution. (p. 160)

2016: Elisa van Joolen creates her One-to-One collection by inking garments from one brand and printing them onto items from another brand. (p. 88)

2016: LA-based brand Online Ceramics is launched by Alix Ross and Elijah Funk. (p. 370)

2017: Gucci creative director Alessandro Michele premieres a jacket in the brand's 2017 Cruise Collection fashion show, with a striking similarity to a 1989 piece from Dapper Dan. The brand claimed the piece was an homage, while much of the public was upset that luxury labels that had previously sued Dan were now stealing from him. In 2018, the brand and designer partnered for Gucci-Dapper Dan: The Collection. (Fig. 22)

Fig. 22

2017: The New York-based fashion designer Telfar Clemens creates new uniforms for the fast food chain White Castle under the creative direction of Babak Radboy. (p. 148)

2018: Virgil Abloh becomes the creative director of Louis Vuitton menswear collection.

2018: The London-based artist Akinola Davies Jr. debuts his film *Boot/Leg* at Art Basel (p. 306)

2018: Upon graduating from Amsterdam's Rietveld Academie, graphic designer Line Arngaard and fashion researcher Sonia Oet produce *A March Issue*, a page-by-page remake of the March issue of *Vogue* magazine. (p. 180)

2018: New York-based artist Nat Pyper creates the font Robert Ford using type treatments from Ford's 1989 magazine *THING*. The font would become the first in their series A Queer Year of Love Letters, in which Pyper redraws and distributes seminal letterforms from queer history. (p. 396)

2018: New York-based designer Hassan Rahim creates the iconic Sun Ra Arkestra bootleg shirt with the brand Total Luxury Spa. The shirt commemorates a fictional 1980 concert from the band at the Great Western Forum in Los Angeles. (p. 408)

2018: New York-based artist SHIRT restages David Hammons's iconic *Bliz-aard Ball Sale* (1983) selling snowballs on the street in New York. (p. 286)

2018: Sony announces plans to develop a film based on the life of Dapper Dan.

2019: Czar Kristoff creates Temporary UnReLearning Academy (Temporary URL) in Calabarzon. According to the program's mission statement, Temporary URL is a "migratory school interested in queering artistic and cultural formation/production in the Philippines through interventions of public spaces and exploring vernacular technology and tools." The program uses bootleg techniques (photocopying, lo-fi publishing, squatting in inter-

net cafes) and is itself a sort of bootleg, demonstrating the potential of the act beyond objects and into structures and ideas.

2019: Uzbekistan-based photographer Hassan Kurbanbaev begins the photo series *Logomania: Owning the World at Half Price*. The series documents and investigates the bootleg obsession of the Uzbekistan people. (p. 276)

2019: Paris-based fashion label BLESS produce the Multicollection T-Shirt from the BLESS N°67 collection. The shirt is an official bootleg, copied from an unofficial fan bootleg, spotted at the Ooga Booga bookstore in Los Angeles. (p. 264)

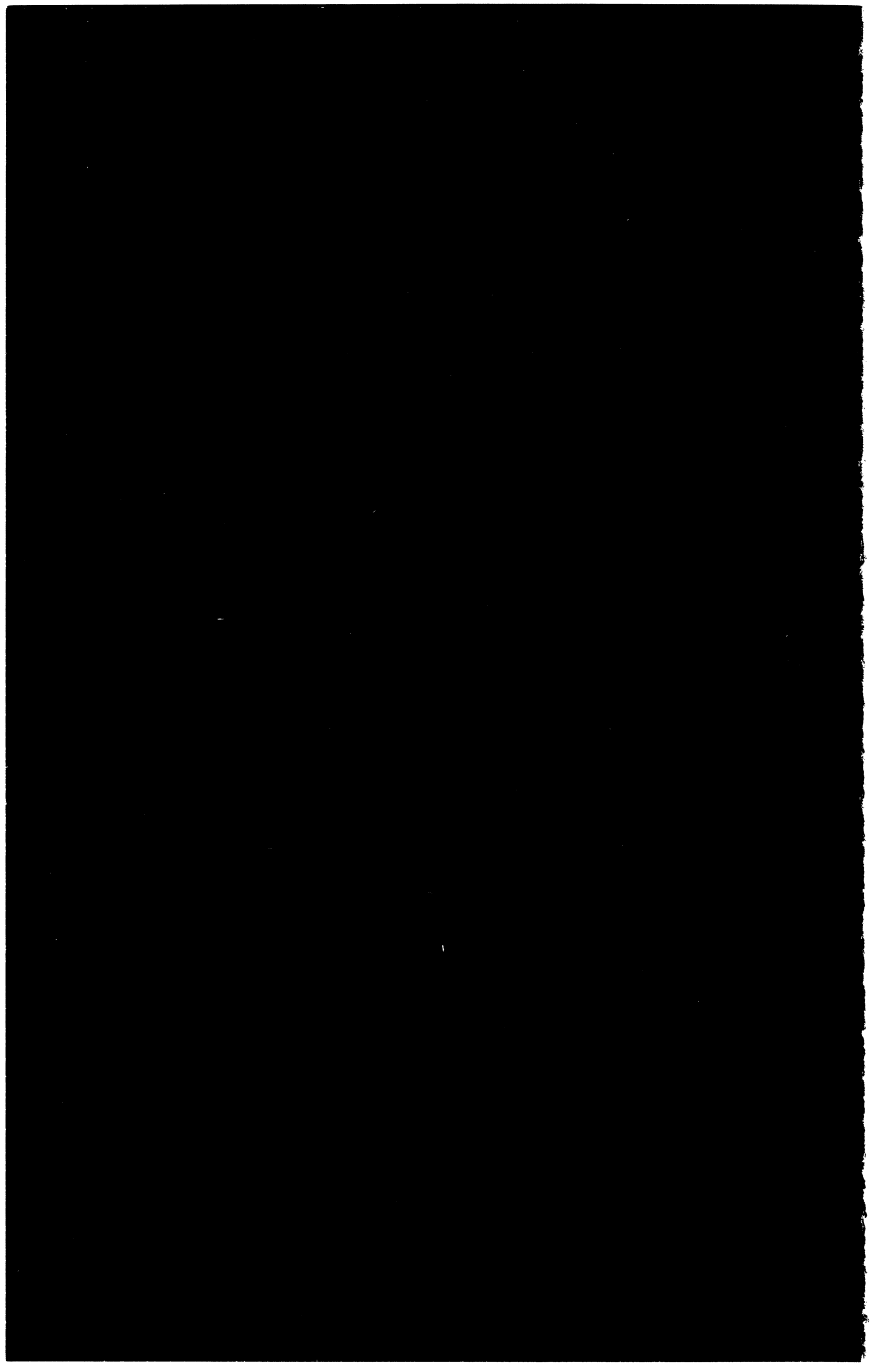
2020: During the COVID lockdowns in New York Shanzhai Lyric open up a temporary storefront on Canal Street under the name Canal Street Research Association. The project celebrates the history of the surrounding neighborhood (known for its bootleg markets) through performances, communal archives, exhibitions, and storytelling. (p. 118)

2021: Virgil Abloh passes away from cancer.

2021: The artist SHIRT produces the work *You Can Copy Someone To A T (It Will Never Be The Same)* (2021) which bootlegs a 2018 shirt from Virgil Abloh. The shirt is permanently in-stock and is sold with the design file, so the buyer is able to reprint the graphic as they desire. (p. 286)

2021: New York-based architect Oana Stănescu, along with German architecture office Something Fantastic,

organize a lecture for the School of Architecture at Syracuse University on cover versions, celebrating the gesture throughout history across a wide range of media. (p. 344)

2023: DeviantArt, Midjourney, and Stability AI are sued by a group of artists over copyright infringement in the generation of AI images. The three companies use Stable Diffusion, an artificial intelligence software created from a dataset using unauthorized artworks. The artists claim that the use of these artworks in the dataset, and thus the use of the dataset, violates copyright law. The case prompts urgent questions around authorship asAI becomes more readily available.

2023: The publication *UNLICENSED: Bootlegging as Creative Practice* is co-published by Valiz and Source Type. The book contains a collection of interviews from various art and design practices reflecting on the act of bootlegging in the 21st Century.